

REMARKS

Applicant has amended the claims 8, 20 and 21. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter. Accordingly the Office Action will be discussed in terms of the claims as amended.

The Examiner has rejected the claims 8 and 15 through 23 under 35 USC 101 as not falling within one of the four statutory categories of invention. In reply to this rejection, Applicant has amended the claim 8 to include the step of displaying the object shape on a display. Accordingly, Applicant respectfully submits that the process of Applicant's invention is either (1) tied to another statutory category (a display) or (2) transformed from merely calculations in a method step to an object shape displayed on a display. Therefore, Applicant respectfully submits that the claims 8 and 15 through 23 are statutory subject matter.

The Examiner has rejected the claims 20 and 21 under 35 USC 102 as being anticipated by Sasaki stating that Sasaki teaches each and every element of the present invention and particularly teaches a method for generating/displaying a plane shape comprising the steps of:

At each vertex of a triangle shape plane path that is based on a predetermined normal line and a predetermined position information, determining a normal line which is equivalent to a predetermined tangent plane at a predetermined position; and utilizing a contact point information of the normal line and a tangent plane, forming a basic patch for a triangle shape path; and/or at each vertex of a triangle shape plane patch that is based on a predetermined normal line and a positional information thereof, determining a normal line which is equivalent to a predetermined tangent plane at a predetermined position and with a basic patch formed by utilizing a normal line that is equivalent to a curved surface and an existing position thereof, forming an object plane.

In reply to this rejection, Applicant would like to first point out that the claims 20 and 21 have now been made dependent upon the claim 8 and contains all limitations thereof. Still further, Applicant would like to incorporate by reference his comments concerning Sasaki in Applicant's amendment filed March 19, 2009.

In addition, Applicant acknowledges the Examiner's statement in paragraph 5 of the Office Action that with respect to the claims 8 and 15 through 19, Applicant's arguments have been fully considered and are persuasive and the rejection under 35 USC 102 of the claims 8 and 15 through 19 have been withdrawn.

Accordingly, Applicant respectfully submits that since the claims 20 and 21 are directly dependent upon the claim 8, Applicant respectfully submits that the claims 20 and 21 are not anticipated Sasaki and are allowable.

In view of the above, Applicant respectfully submits that the claims 8 and 15 through 23 are all allowable and Applicant accepts these allowed claims.

Applicant further respectfully and retroactively requests a two (2) month extension of time to respond to the Office Action and respectfully requests that the extension fee in the amount of \$245.00 (Fee Code: 2252) be charged to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

In view of the above, therefore, Applicant respectfully requests that this Amendment be entered, favorably considered and the case past to issue.

Please charge any additional costs incurred by or in order enter this amendment or required by any requests for extension of time to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

Respectfully submitted,

By: 

William L. Androlia
Reg. No. 27,177

Quinn Emanuel Urquhart Oliver & Hedges, LLP
Koda/Androlia
865 S. Figueroa Street, 10th floor
Los Angeles, California 90017
Tel: 213-443-3000 Fax: 213-443-3100
E-mail: thomasedision@quinnemanuel.com

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-8300 on November 5, 2009.

William L. Androlia

Name

Signature

11/5/2009

Date